states the rule: "It has been held that in the absence of express authority, a municipal corporation cannot acquire property beyond its territorial limits. But municipal corporations are frequently given power to acquire and possess property beyond their corporate limits for the establishment of hospitals, pest-houses, etc., and it seems not improbable that this power might be exercised as incidental to the police power." Vol. 20, 1187. See also DILLON ON MUN. CORP., (4th ed.) §565; *Riley* v. *Rochester*, 9 N. Y. 64; *Denton* v. *Jackson*, 2 Johns. Ch. 320, 335; *Coldwater* v. *Tucker*, 36 Mich. 475, 24 Am. Rep. 601; *Houghton* v. *Huron Mining Co.*, 57 Mich. 547. It is pointed out by the court in the principal case that in most of these cases the city was seeking to exercise governmental control over the property acquired, as in *Riley* v. *Rochester*, *supra*, where it was decided that a city, without express authority, could not hold land beyond its boundaries for the purpose of a highway. But in *Duncan* v. *Lynchburg*, Va., 34 S. E. Rep. 964, 48 L. R. A. 331, it was squarely held that implied authority to operate a rock quarry outside its limits is not conferred upon a city by general provisions in its charter for the purchase, holding, sale and conveyance of real and personal property necessary for its uses and purposes. The Wisconsin court comments upon this case and refuses to follow it.

PARTITION—DEFENSES—ADVERSE POSSESSION—ESTABLISHMENT OF TITLE AT LAW.—Julius Eagle purchased the land in controversy from the state of Arkansas. He has since died, leaving a mother, brother and sister as heirs at law. By statute of Arkansas the mother took a life estate in the land and was entitled to possession of the same. Later she conveys the property for a good and valuable consideration; the mother now being dead her daughter brings this action seeking a partition of the land, as an heir at law of Julius Eagle. The court held that the title must first be tried in a court of law. *Eagle* v. *Franklin* (1903), — Ark. — 75 S. W. 1093.

It was decided in *Kelly's Heirs* v. *McGuire*, 15 Ark. 555 that in cases like the present the mother took but a life estate, and therefore the parties to this suit are co-tenants. The question now arises whether or no ejectment will lie between co-tenants. The minority consider that it will not, but it appears that the rule of law in a majority of the states will not bear them out. *Norris* v. *Sullivan*, 47 Conn. 474; *Ewald* v. *Corbett*, 32 Cal. 493; *Bethell* v. *McCool*, 51 Ind. 303; *Noble* v. *McFarland*, 51 Ill. 226; *Gale* v. *Hines*, 17 Fla. 773; ADAMS ON EJECTMENT 92.

PARTNERSHIP—ACCOUNTING—DIVISION OF PROPERTY—INTEREST.—Shay and Kelly formed a partnership for drilling oil and gas wells, each reserving the right to engage in the same kind of business on his own behalf. The firm, and Shay in his own right, purchased shares of stock in the Greensboro Natural Gas Company. On dissolution of the firm, an accounting showed that Shay was retaining a certain sum of partnership money. On this accounting the court ordered the shares of stock owned by the firm to be divided in specie between the copartners and refused to charge Shay with interest on the partnership money retained by him. *Kelly* v. *Shay, et al.* (1903), — Pa. —, 55 Atl. Rep. 925; *Kelly* v. *Shay, et al.* (1903), — Pa. —, 55 Atl. Rep. 927.

The reason given for such a disposition of the stock is that circumstances were such as to give Shay an advantage over Kelly in bidding at the sale of the stock. On the dissolution of a firm it is the general rule to sell the partnership property, unless there is a contract or partnership articles to the contrary. LINDLEY ON PART., *555 et seq.; COLLYER ON PART. (6th ed.)